

**REMARKS**

In the Office Action of May 3, 2007, Examiner states that the allowability of claims 1-3, 5, 9-11, 26-27, 29-32, 34-38, 40-47, and 49-54 is withdrawn in view of the newly discovered reference(s) to Winckler et al., in particular, 6,369,157 B1. Claims 1-14, 26-27, 29-32, 34-36 and 38-54 are pending in the Application, and claims 1-14, 26-27, 29-32, 34-36 and 38-54 stand rejected. Specifically, claims 1-14, 26-27, 29-32, 34-36, and 38-54, stand rejected under 35 USC 103(a) as being unpatentable over Kim 4,983,247 in view of Winckler et al. US 6,369,156 B1 (Winckler).

In addition, claims 1-9- 13, 30-31, 34-37, 43 and 47 stand *provisionally* rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5, 9-16, and 19-23 of copending Application No. 11/141,238. Further, Examiner states that claims 1, 7, 8,10, 12-14, 43, and 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response to these rejections and objections, claims 1, 7-8, 10, 12, 43 and 47 have been amended to further clarify the subject matter which Applicant regards as the invention and claim 27 has been canceled, without prejudice or disclaimer to continued examination on the merits. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments, reconsideration of the Application is respectfully requested in view of the following remarks.

**Rejection of Claims 1-14, 26-27, 29-32, 34-36, and 38-54:**

Claims 1-14, 26-27, 29-32, 34-36, and 38-54 are rejected under 35 U.S.C. 103(a), as being unpatentable over Kim 4,983,247 (Kim) in view of Winckler et al. US 6,369,157 B1 (Winckler).

In response to these rejections, base claims 1, 43 and 47 have been amended to further clarify Applicant's invention. Further, in reviewing the Examiner's basis for rejection, Applicant makes note of the fact that the Examiner has made an error in her analysis and thus, improperly rejected the claims. Indeed, the Examiner relies upon Kim for the proposition that:

Kim discloses in Figure 1, a composition of a fiber reinforced laminate material comprising a fiber reinforced composite having a resin rich surface layer, as required by claims 1 and 27, wherein said composite can be used in the formation of molded articles such as car hoods, doors and panels. See column 2, lines 40-50, column 3, lines 11-18, and Figure 1.

Applicant has reviewed the cited reference and found no such disclosure. Applicant respectfully submits that Kim is utterly devoid of any teaching of "a composition of a fiber reinforced laminate material comprising a fiber reinforced composite having a resin rich surface layer, as required by claims 1 and 27, wherein said composite can be used in the formation of molded articles such as car hoods, doors and panels." Indeed, the cited portions of Kim read as follows:

A method of making a fiber reinforced composite component having a resin rich layer at a component surface in accordance with the present invention comprises forming a fiber free layer of a first thermoplastic resin and juxtaposing with the layer at least a portion of a thermoplastic blank comprising a second thermoplastic resin in a fibrous reinforcing material. The second resin comprises material that is compatible with the first resin such that the first and second resins form a structural bond therebetween when softened and compressed together.

\*\*\*\*

In Fig. 1, component 10 comprises a thermoplastic formed sheet material having a resin rich layer 12 forming surface 14 and a fiber filled thermoplastic body 16 comprising a blank of thermoplastic resin in a fibrous reinforcing material. The layer 12 and body 16 have an integral homogeneous interface 18 such that a structural bond is formed between the layer 12 and the body 16.

Likewise, Figure 1 of Kim fails to disclose and/or teach the cited proposition. From the foregoing, it is apparent that Kim does not, as the Examiner suggests, teach a composition of a fiber reinforced laminate material comprising a fiber reinforced composite having a resin rich surface layer, wherein said composite can be used in the formation of molded articles such as car hoods, doors and panels.

Moreover, the cited Kim and Winckler references are utterly devoid of any teaching that the surface layer of the formed composite is substantially fiber free, as now claimed in base claims 1, 43 and 47.

Therefore, Applicant submits that the rejections of the base claims 1, 43 and 47 under 35 U.S.C. 103(a), as being unpatentable over Kim in view of Winckler have now been overcome and respectfully request that the rejections be withdrawn.

With respect to the remaining claims (2-14, 26, 29-32, 34-36, 38-42, 43-46 and 48-54) they are dependent from base claims 1, 43 and 47. As Kim in view of Winckler fails to teach the elements of base claims 1, 43 and 47, they cannot be used as a basis for rejecting the dependent claims. Thus, Applicant requests that these rejections be withdrawn.

#### **Double Patenting:**

In response to the provisional non-statutory obviousness-type double patenting rejection, Applicant respectfully traverses the same.

In making this rejection, the Examiner has cited co-pending Application No. 11/141,238. Applicant respectfully informs the Examiner that the cited co-pending application is a continuation-in-part of and claims priority from the present Application. Accordingly, no timewise extension is possible. Indeed, since the present Application is the parent of the cited application, no terminal disclaimer is believed necessary.

#### **Rejection of Claims 1, 7, 8, 10, 12-14, 43, and 47 – 35 U.S.C. 112:**

Claims 1, 7, 8, 10, 12-14, 43, and 47 stand rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

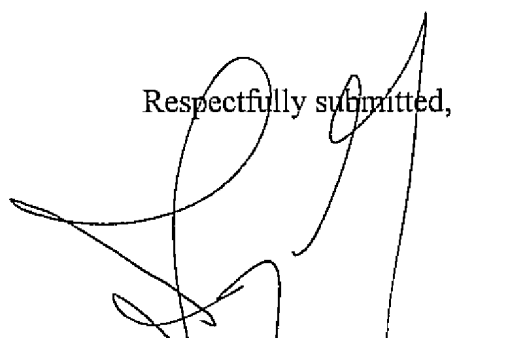
In response to these rejections, Applicant has amended each of the cited claims to address each of the noted deficiencies. Therefore, Applicant submits that the rejections have now been overcome and respectfully requests that the rejections be withdrawn.

The remaining references which were cited but not applied have been thoroughly reviewed, but clearly are no more pertinent to the claims than the references relied upon in the rejections. In view of the foregoing amendments and remarks, this application is now believed to be in condition for allowance and such favorable action is respectfully requested on behalf of Applicant.

CONCLUSION

Applicant would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,



Date: August 3, 2007

---

Jason S. Miller  
Attorney for Applicant  
Registration No.: 44,241  
CLEMENTS / WALKER  
1901 Roxborough Road, Suite 300  
Charlotte, North Carolina 28211  
Telephone: 704/366-6642  
Facsimile: 704/366-9744

JSM/bcb

F:\WPNET\Azdel\PATENT\3813\US\Non-Final OA2 (5-3-2007\3813 - Non-Final OA2 - Amendment and Response.doc